

## **REMARKS**

The enclosed is responsive to the Examiner's Office Action mailed on September 23, 2005. At the time the Examiner mailed the Office Action claims 1-15 and 17-24 were pending. By way of the present response the Applicant has amended claims 1, 4, 6-7, 9, 12, 14, 17, 20, and 22-23. No new claims have been added. No claims have been canceled. As such, claims 1-15 and 17-24 remain pending. The Applicant respectfully requests reconsideration of the present application and the allowance of all claims presented.

The amendments to the claims are made only to place the claims in what the Applicant considers to be better form and not in response to the rejections. The Applicant does not believe any amendment is needed to comply with any requirement of patentability.

## **Objections**

The Examiner objected to claim 17 because of informalities. Specifically, the Examiner requested that the terms "capable of" be changed to "configured for" on line 5.

The Applicant has amended claim 17 accordingly. Withdrawal of the objection to claim 17 is respectfully requested.

## **Rejections under 35 U.S.C. § 112, first paragraph**

The Examiner rejected claims 1, 9, and 17 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserted:

"The claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time application was filed, had possession of the claimed inventions.

**Nowhere** in specification does the applicant teach, "transmitting within the **single data packet**" not it [sic] clear what the Applicant intends by the language. Hence the Applicant has introduced New Matter, which was not described in the specification in such a way as to application was filed, had possession of the claimed invention.

Claims 1, 9 and 17, introduces **new matter** not previously introduced." (Office Action, dated Sep. 23, 2005, pp. 3-4, emphasis in original).

The Applicant understands the above statements to indicate that the Examiner believes that use of the language of a "single data packet" introduces new matter.

The Applicant respectfully traverses. However, to further prosecution, the Applicant has amended claims 1, 9, and 17 to delete the word "single."

The Applicant respectfully submits that the specification reasonably conveys to one of ordinary skill in the art that, at the time the application was filed, the Applicant had possession of "transmitting, within said data packet, said plurality of independent data segments and said data integrity information calculated for each of said plurality of independent data segments."

By way of example, and not by way of limitation, the Specification states in paragraph [0011]: "a UDP packet (commonly referred to as a UDP 'datagram')."

Paragraph [0013] of the Specification states:

"FIG. 2 illustrates a UDP datagram 200 employed in one embodiment of the invention. Datagram 200 consists of a header 201 and a payload 202. In this embodiment, the checksum field 209 has been set to zero, and a plurality of independent checksums 203, 205, and 207 have been calculated for a corresponding plurality of data segments 204, 206, and 208, respectively. Setting

the UDP checksum field 209 to zero effectively turns off the checksum functionality, thereby ensuring that all data segments 204, 206, and 208 within the UDP packet are transmitted through the transport layer to the application layer or other networking layer defined above the transport layer.

As can be seen from Figure 2 of the specification, the (single) data packet 200 includes a header 201 and a payload 202. The payload 202 includes a plurality of independent checksums 203, 205, and 207 and the corresponding plurality of data segments 204, 206, and 208. As stated in paragraph [0013], the packet 200 is transmitted through the transport layer. As stated in paragraph [0015], "the entire data payload is sent."

Therefore, the Specification, as filed, disclosed the limitation of claim 1 of "transmitting, within said data packet, said plurality of independent data segments and said data integrity information calculated for each of said plurality of independent data segments."

Accordingly, the Specification also discloses the limitation of claim 9 of "transmitting said data packet over a network to a destination," as well as the limitation of claim 17 of "transmitting, within said data packet, said plurality of independent data segments and said data integrity information calculated for each of said plurality of independent data segments."

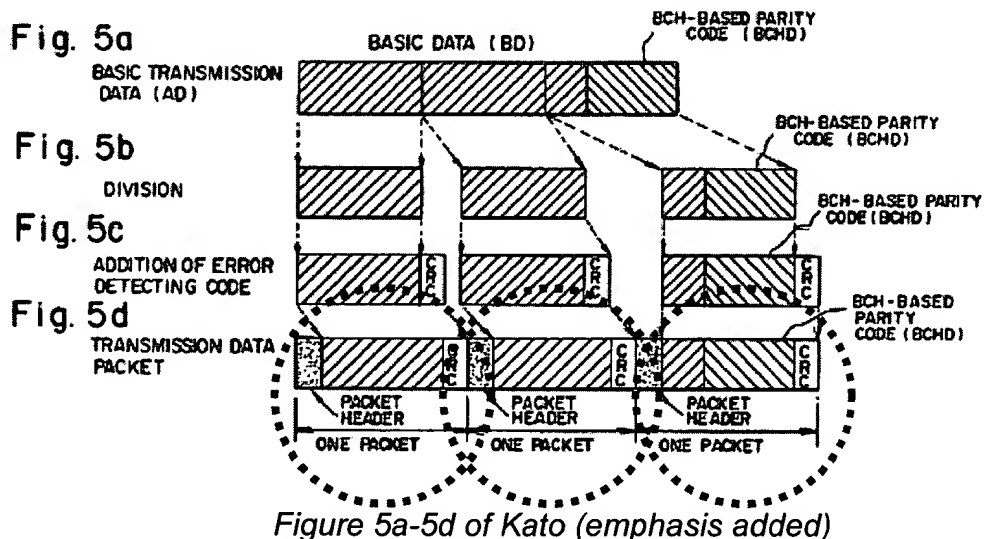
Therefore, the Applicant respectfully requests withdrawal of the rejection of claims 1, 9, and 17 under 35 U.S.C. § 112, first paragraph.

### 35 U.S.C. §103(a) Rejections

The Examiner maintained the rejection to claims 1-6, 9-15, 17, and 18-22 under 35 U.S.C. 103(a) as being unpatentable over Jonsson, U.S. Patent 6,609,224 (hereinafter "*Jonsson*") in view of Kato, U.S. Patent 5,844,918 (hereinafter "*Kato*").

Specifically, the Examiner stated that the Applicant's arguments were considered but not persuasive. The Examiner specifically noted the Examiner's belief that "each of the data packets (for example fig. 5d of *Kato*) comprising [sic] plurality independent data segments and checksums (CRC)..." (Office Action, dated Sep. 23, 2005, p. 3).

However, as is clearly shown in Figure 5d of *Kato* (reproduced below), each of the data packets in Figure 5d has one data segment and one CRC, not a plurality of independent data segments and data integrity information calculated for each of the plurality of independent data segments:



That is, Figure 5d shows three different data packets, each data packet having a packet header, a data segment, and a CRC. Although the label "transmission data packet" under the label "Fig. 5d" may appear at first glance to indicate that one packet is

generated having a plurality of independent data segments and CRCs, closer examination of *Kato* reveals that the label actually refers to the generation of each of the three packets shown. This understanding is supported by Figures 7a-7d of *Kato* (reproduced below) which shows the corresponding receipt of the three different packets, labeled P1, P2, and P3.

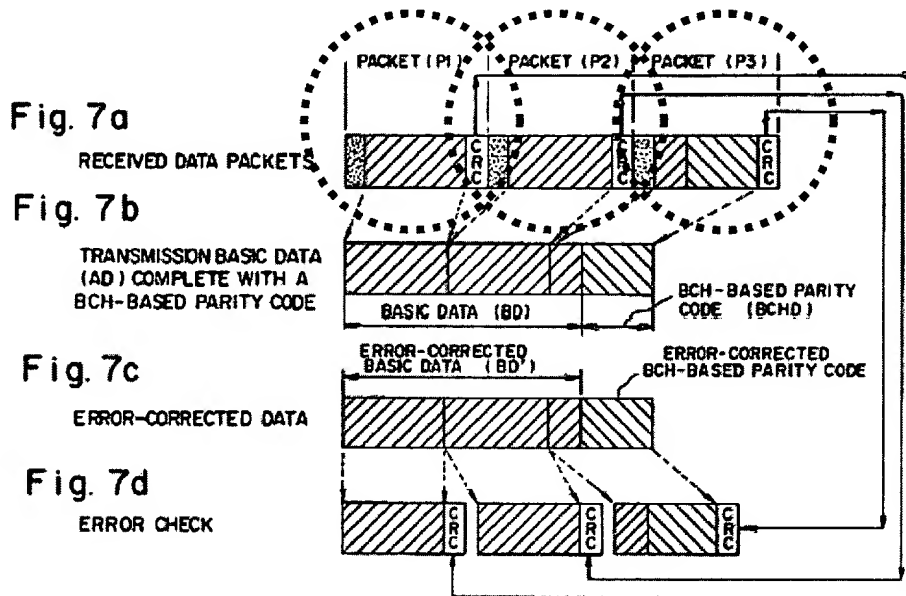


Figure 7a-7d of *Kato* (emphasis added)

*Kato* states in describing Figures 5a-7d:

The header addition circuit 20 appends a packet header to the data segment complete with the error detecting code, whereby a transmission data packet is assembled, as shown in FIG. 5d. The thus-assembled transmission data packet is stored in the data memory 22 and sent to the data receiver B via the transmit/receive circuit 24. ... To begin with, the transmit/receive circuit 28 receives the transmission data packet. The thus-received transmission data packet has such a configuration as shown in FIG. 7a. After all of the transmission data packets including the BCH code have been received, the error correcting circuit 30 corrects errors in the basic data using the BCH code (in S21 and S22 in FIG. 6). ... More specifically, all the three data packets rather than each data

packet, as a whole, are subjected to the error correcting operation. As a matter of course, the CRC codes of the received data packets are separately maintained. There may be a case where errors arising in transmission can be corrected by the error correcting operation. (Kato, col. 10, lines 10-35, emphasis added).

Therefore, the Applicant respectfully submits that the Examiner's interpretation of *Kato* is in error and that a broader reading of *Kato* to disclose transmitting, within a data packet, a plurality of independent data segments and data integrity information calculated for each of the plurality of independent data segments is based on impermissible hindsight.

Indeed, *Kato* teaches away from transmitting, within a data packet, a plurality of independent data segments and data integrity information calculated for each of the plurality of independent data segments. As seen in Figure 5d of *Kato*, the packet on the far right includes the BCH-based parity code (BCHD) added to the basic data BD as a result of the FEC operation. (See *Kato*, col. 10, lines 2-5). This BCH code is used to correct errors in the basic data (divided among the three data packets) after all of the three data packets are received. (See *Kato*, col. 10, lines 20-23). Therefore, *Kato* teaches transmitting an error correcting code (i.e. the BCH-based parity code) in a data packet (i.e. P3) which is used to correct data segments transmitted in other data packets (i.e. P1 and P2).

Accordingly, the Applicant respectfully submits that *Kato* does not disclose or suggest the limitation in claim 1 of "transmitting, within said data packet, said plurality of independent data segments and said data integrity information calculated for each of said plurality of independent data segments."

*Jonsson* also does not disclose, suggest or teach this limitation. As the Examiner stated, *Jonsson* does not explicitly teach calculating data integrity information for data segments to be transmitted within the data packet. (Office Action dated Sep. 23, 2005, p. 5). The Applicant submits that *Jonsson* does not otherwise teach having data integrity information for each of a plurality of independent data segments, and therefore cannot teach or suggest “transmitting, within said data packet, said plurality of independent data segments and said data integrity information calculated for each of said plurality of independent data segments.”

Independent claims 9, 15 and 17 each have similar limitations.

Specifically, independent claim 9 recites “a packet generation module for encapsulating, within said data packet, said plurality of independent data segments and said data integrity information calculated for each of said plurality of independent data segments.... a transmission module for transmitting said data packet...”

Independent claim 15 recites “the UDP datagram having...a payload, the payload comprised of a plurality of independent data segments...adding a checksum to each independent data segment in the payload... sending the modified datagram.”

Independent claim 17 recites “transmitting, within said data packet, said plurality of independent data segments and said data integrity information calculated for each of said plurality of independent data segments.”

Accordingly, neither *Jonsson*, nor *Kato*, nor the combination thereof, teach or suggest the limitations of independent claims 1, 9, 15 and 17.

Claims 2-6, 10-14 and 18-22 depend, directly or indirectly, from one of the foregoing independent claims. Therefore, neither *Jonsson*, nor *Kato*, nor the combination thereof, teach or suggest the limitations of dependent claims 2-8, 10-14 and 18-24 for at least the reasons discussed above.

Accordingly, the Applicant respectfully request withdrawal of the rejection of claims 1-6, 9-15, 17, and 18-22 under 35 U.S.C. §103(a).

In light of the comments above, the Applicant respectfully requests the allowance of all pending claims.



### CONCLUSION


The Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully submitted,

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